

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

EMPOWER OVERSIGHT  
WHISTLEBLOWERS & RESEARCH,

Plaintiff,

v.

NATIONAL INSTITUTES OF HEALTH,

Defendant.

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1:21-cv-01275 (LMB/JFA)

ORDER

On September 9, 2022, the Court granted defendant's Motion for Summary Judgment in part, except for open questions discussed in the Order [Dkt. No. 58], and directed the defendant to respond to those questions in open court.

For the reasons stated in open court, defendant has not provided an adequate basis for the redaction of the "Status" column in Exhibit D, and the names of the curator and researcher previously disclosed. Therefore, plaintiff's objections to these exemptions are sustained. On the other hand, defendant has justified not disclosing Dr. Collins' email address and has withdrawn claiming any exemption for the email chain in plaintiff's Exhibit A (bates number 00175).

Therefore, plaintiff's objections to those exemptions are overruled. Accordingly, it is hereby

ORDERED that defendant promptly produce the information for which plaintiff's objections have been sustained by this Order.

Although plaintiff failed to comply with the time limits set out in the Freedom of Information Act, 5 U.S.C. § 552(a)(6), plaintiff's request for a judgment in its favor on Count I of the complaint is DENIED because the defendant did not act in bad faith and explained it had

worked with plaintiff's former counsel to arrange for production schedules. The Court also finds that plaintiff was not prejudiced by the delay.

The Clerk is directed to forward copies of this Order to counsel of record and to close this civil action.

Entered this 16<sup>th</sup> day of September, 2022.

Alexandria, Virginia

/s/ LMB  
Leonie M. Brinkema  
United States District Judge